

REMARKS/ARGUMENTS

In response to the office action of February 17, 2006, Applicants have amended claim 9, and canceled claims 4 and 6-7 without prejudice, which when considered with the following remarks, and terminal disclaimer, is deemed to place the present application in condition for allowance. Favorable consideration of all pending claims is respectfully requested.

Claims 1 and 3-10 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-4 and 6-13 of U.S. Patent No. 6,645,970, issued November 11, 2003. Submitted herewith is a terminal disclaimer, disclaiming that portion of any patent issuing from the above-identified application which would extend past the full statutory term of U.S. Patent No. 6,645,970. Withdrawal of the rejection of claims 1 and 3-10 on the ground of obviousness-type double patenting is therefore warranted.

Claim 9 has been rejected under 35 U.S.C. § 112, first paragraph, as allegedly directed to non-enabling subject matter. It is the Examiner's position that the specification is enabling for some disorders or diseases mediated by T lymphocytes and/or PKC or GSK-3 β , but not for every disorder or disease mediated by T lymphocytes and/or PKC or GSK-3 β . Office Action, page 5. Further according to the Examiner, the specification does not provide guidance or direction in the use of the claimed compounds in the preventing of diseases in which mediation of T lymphocytes and/or PKC or GSK-3 β is indicated.

On page 8 of the Office Action, the Examiner has indicated that "This rejection may be overcome by deleting the word "preventing" and incorporating into claim 9 the specific diseases associated with *reversible airways obstruction* found throughout the specification." In July, the undersigned attempted to contact the Examiner since the phrase "diseases associated with reversible airways obstruction" did not appear relevant to the present application. Applicants left a voice mail message indicating the same. Applicants acknowledge the Examiner's voice mail message response to the undersigned, indicating that "diseases associated with reversible airways obstruction" was in error and that rather, disorders or diseases mediated by T lymphocytes and/or PKC or GSK-3 β was meant by the Examiner. The Examiner further

indicated that amendment of the claim to recite those specific disorders and diseases described in the specification would obviate the rejection.

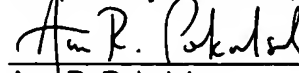
As presently amended, claim 9 recites: "A method for treating disorders or diseases mediated by T lymphocytes and/or PKC or GSK-3 β for the treatment of acute or chronic rejection of organ or tissue allo- or xenografts, graft versus host diseases, atherosclerosis, vascular occlusion due to vascular injury such as angioplasty, restenosis, obesity, syndrome X, impaired glucose tolerance, polycystic ovary syndrome, hypertension, heart failure, chronic obstructive pulmonary disease, CNS diseases such as Alzheimer disease or amyotrophic lateral sclerosis, cancer, infectious diseases such as AIDS, septic shock or adult respiratory distress syndrome, ischemia/reperfusion injury such as myocardial infarction, stroke, gut ischemia, renal failure or hemorrhage shock or traumatic shock such as traumatic brain injury, in a subject in need of such treatment, which method comprises administering to said subject an effective amount of a compound of formula I according to claim 1 or a pharmaceutically acceptable salt thereof." Support for the amendment to claim 9 may be found throughout the specification, e.g., page 20, lines 4-12. Accordingly, withdrawal of the rejection of claim 9 under the enablement provision of 35 U.S.C. § 112, first paragraph is warranted.

Claims 4 and 6-7 have objected to under 37 C.F.R. § 1.75 as allegedly substantially duplicative of claim 1. In order to advance prosecution of this application, claims 4 and 6-7 have been canceled without prejudice. Applicants reserve the right to file one or more continuation applications directed to the subject matter of the canceled claims.

In view of the foregoing remarks and amendments, it is firmly believed that the subject case is in condition for allowance, which action is earnestly solicited.

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Respectfully submitted,



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